

## REMARKS

### Priority Claim

A certified copies of the priority documents are submitted herewith.

### Drawings

The applicant submits the required amendment to Figure 33. Claim 23 has been canceled. The applicant respectfully submits that this either cures or renders moot the Office's Objections to the Drawings.

### Claim Objections

Claims 24 -31 have been cancelled. The applicant respectfully submits that this either cures or renders moot the Office's Objections to the Claims.

### Claims Rejections - 35 USC §112 Second Paragraph

The Office rejected Claims 1 – 31 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The applicant herein amends the claims to comply with the Office's rejections.

**Claim Rejections – 35 USC § 103**

The Office has quoted the statute from 35 USC 103(a), which is referenced herein. The Office has rejected claim 1-31 as being unpatentable over US Patent No. 3,933,387 to Shalloum et al. in view of other references. Applicant has carefully considered the Office rejections and respectfully submits that the amended claims, as supported by the arguments herein, are distinguishable from the cited references.

According to the MPEP §2143.01, "[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found in either the references themselves or in the knowledge generally available to one of ordinary skill in the art."

A useful presentation for the proper standard for determining obviousness under 35 USC §103(a) can be illustrated as follows:

1. Determining the scope and contents of the prior art;
2. Ascertaining the differences between the prior art and the claims at issue;
3. Resolving the level of ordinary skill in the pertinent art; and
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

The Office rejected claims 1-31 as unpatentable over US Patent 3,933,387 in light of Japanese Patent No. JP 10-250513 under 35 U.S.C. 103(a). The applicant has carefully reviewed the Office's rejection and the cited references and respectfully disagrees.

In contrast to the claimed invention, the '387 reference does not disclose joined pairs of first and second ribs, with the first rib being integrally molded from the first wall and the second rib being integrally molded from the second wall. Each truncated pyramid of the '387 reference is not

bonded to another corresponding pyramid, but to the wall space between a cluster of four pyramids. There is no weld between the pyramids of the '387 reference. Thus the pyramids are not joined in the same sense as described in the claimed invention. The '387 reference does not therefore disclose a pair of welded ribs as in the claimed invention. The applicant respectfully draws the Office's attention to Figures 5, 6, and 7 of the '387 reference. This configuration is in sharp contrast to the claimed invention, wherein ribs are joined to each other. The Office alleges that the pyramids of the '387 reference are equivalent to the joints between the ribs of the claimed invention. The applicant respectfully disagrees. Even the most cursory review of the '387 reference reveals that the pyramids do not bond to other pyramids, but to the flat space between four pyramids. The applicant respectfully draws the Office's attention to the figures of the '387 reference.

Furthermore, the '387 reference does not disclose the use of projecting parts, which are received by receiving parts whereby energy absorbing layers are coupled. As noted above, the coupling of the '387 reference relates to the bonding of the pyramids to the flat space between the pyramids of another. Bonding forms only a single layer of the '387 reference, and consequently the pyramids are not received by receiving parts in a second such layer. The applicant notes that the energy absorbing members in figure 2 of the '387 reference are not comprised of first and second walls, but are single walls which are then connected by bonding of pyramids to the opposing wall. No interconnection is illustrated between different layers of the pyramidal structures thus created.

Regarding claim 3, the applicant notes that the pyramids are not aligned coaxially in adjacent layers, but are instead staggered, such that pyramids in each layer are not aligned with those of neighboring layers.

The applicant notes that it is intimately familiar with the JP-10250513 and that that reference, even as construed by the Office, does not supply the above deficiencies in the '387 reference cited by the Office.

The applicant respectfully submits that the claimed invention, as amended is patentably distinct from the cited reference at least for those reasons recited herein. The applicant therefore requests that the Office withdraw its rejection of the remaining claims.

Applicant believes the above amendments and remarks to be fully responsive to the Office Action, thereby placing this application in condition for allowance. No new matter is added. Applicant requests speedy reconsideration, and further requests that Office contact its attorney by telephone, facsimile, or email for quickest resolution, if there are any remaining issues.

Respectfully submitted,

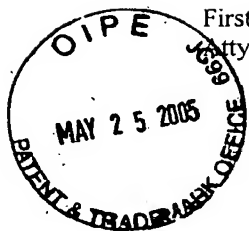


Vernon C. Maine, Reg. No. 37,389  
Scott J. Asmus, Reg. No. 42,269  
Andrew P. Cernota, Reg. No. 52,711  
Attorneys/Agents for Applicant

Cus. No. 24222  
Maine & Asmus  
PO Box 3445  
Nashua, NH 03061-3445  
Tel. No. (603) 886-6100, Fax. No. (603) 886-4796  
Info@maineandasmus.com

### **AMENDMENTS TO THE DRAWINGS**

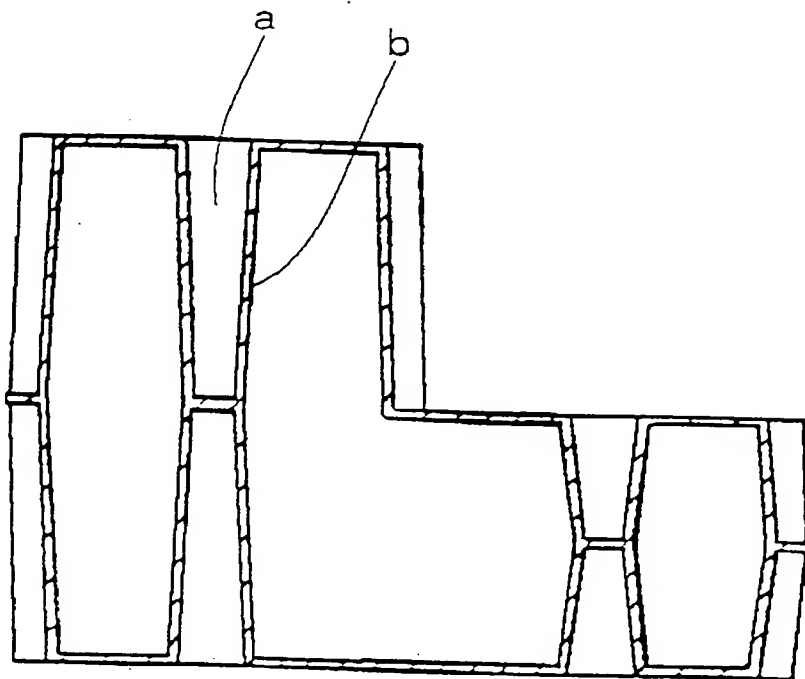
The attached sheet of drawings includes changes to Fig. 33. This sheet, which includes Fig. 33, replaces the original sheet including Fig. 33. In Fig. 33, previously omitted legend "Prior Art" has been added.



First Named Inventor: TAMADA, Teruo – TITLE: IMPACT ABSORBING MEMBER FOR VEHICLE –  
J. Dkt # KYFS-US – Customer # 24222

Annotated Sheet Showing Changes Made

18/18



*Fig 33*  
*Prior Art*